

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**ORDER NO. R9-2002-0002
NPDES PERMIT NO. CA0109363**

WASTE DISCHARGE REQUIREMENTS

FOR

U.S. NAVY

NAVAL BASE POINT LOMA

SAN DIEGO COUNTY

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Monitoring and Reporting Program No. R9-2002-0002

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The California Regional Water Quality Control Board, San Diego Region, (hereinafter Regional Board), finds that:

1. As identified in Finding 2 below, the U.S. Navy discharges waste containing pollutants that could affect the quality of waters of the state to San Diego Bay from industrial and storm sewer outfalls at a complex of 8 separate Naval installations referred to as *Naval Base Point Loma Complex (NBPL)*. The NBPL Complex is located in the northern part of San Diego Bay along the eastern and western shore of the Point Loma Peninsula from Ballast Point to Taylor Street as shown on the maps included in Attachment A. Most of the NBPL installations are within the *Point Loma Hydrologic Subarea* of the *Pueblo San Diego Hydrologic Unit* (908.10), however, one is in the *Lindberg Hydrologic Sub Area* of the *Pueblo San Diego Hydrologic Unit* (908.21), and another is within the *Mission San Diego Hydrologic Sub Area* (907.11) of the *San Diego Hydrologic Unit* (907.00). The locations of discharges from NBPL are listed below:

- *Naval Submarine Base, San Diego (SUBASE)*: The discharges from SUBASE are listed in Attachment B, Table 1. *Discharge Coordinates for SUBASE.*
- *Magnetic Silencing Facility (MSF)*: The discharges from the MSF are listed in Attachment B, Table 2. *Discharge Coordinates for MSF.*
- *Fleet Anti-Submarine Warfare Training Center, Pacific (FASW)*: Manhole dewatering, landscape runoff, potable water, and fire system discharges may occur. Latitude and longitude coordinates were not included in the report of waste discharge (RWD).
- *Navy Public Works Center, Taylor Street Facility (PWC TSF)*: Manhole dewatering, landscape runoff, potable water, and fire system discharges may occur. Latitude and longitude coordinates were not included in the RWD.
- *Space and Naval Warfare Systems Center, San Diego, Point Loma Campus (SSC San Diego PLC)*: The discharges from the SSC San Diego PLC are listed in Attachment B, Table 3. *Discharge Coordinates for SSC San Diego PLC.*
- *Space and Naval Warfare Systems Center, Old Town Campus (SSC San Diego, OTC)*: Industrial storm water discharges, occur at several locations. Manhole dewatering, landscape runoff, potable water, and fire system

discharges may occur. Latitude and longitude coordinates were not included in the RWD.

- *Fleet Combat Training Center, Pacific (FCTCPAC)*: Manhole dewatering, landscape runoff, potable water, and fire system discharges may occur. Latitude and longitude coordinates were not included in the RWD.
 - *Fleet and Industrial Supply Center (FISC) Pt. Loma*: Industrial storm water discharges occur at several locations. Manhole dewatering, landscape runoff, potable water, and fire system discharges may occur. Latitude and longitude coordinates were not included in the RWD.
2. The *point source* discharges as identified in the RWD are grouped into twelve general industrial processes:
- Utility Vault and Manhole Dewatering;
 - Steam Condensate;
 - Cooling Water;
 - ARCO Ballast Tanks;
 - MSF Pier Cleaning;
 - Dolphin Pools;
 - Unused San Diego Bay Water;
 - Abalone Tanks and Bioassay Trailer Discharges;
 - Pier Boom Cleaning;
 - Mammal Enclosure Cleaning;
 - Small Boat Rinsing; and
 - Miscellaneous Discharges (landscape watering runoff, potable water & fire system maintenance).

Descriptions of the point source discharges and of the industrial storm water discharges are in the *Fact Sheet* for this Order.

3. The State Water Resources Control Board (State Board), in the *Water Quality Control Policy for Enclosed Bays and Estuaries of California* (Bays and Estuaries Policy), promulgated principles for management of water quality, quality requirements for waste discharges, discharge prohibitions, and general provisions to prevent water quality degradation and to protect the beneficial uses of waters of enclosed bays and estuaries that are applicable to San Diego Bay.
4. The State Board promulgated statewide general waste discharge requirements for discharges associated with

- underground utility vaults and underground structures (Water Quality Order No. 2001-11-DWQ [NPDES Permit No. CAG990002]) and for discharges of storm water runoff associated with industrial activities (Water Quality Order No. 97-03-DWQ, [NPDES No. CAS000001]).
5. The discharges from the NBPL electrical utility vaults are regulated by *California State Water Resources Control Board, Water Quality Order No. 2001-11-DWQ, Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges from Utility Vaults and Underground Structure to Surface Waters, General Permit No. CAG990002, Waste Discharge Requirements (General Utility Vault Permit)*. This Order includes pertinent specifications, limitations and monitoring requirements from the General Utility Vault Permit. This Order includes additional specifications, reporting requirements, and monitoring requirements not required by the General Utility Vault Permit. For the NBPL, this Order supersedes the General Utility Vault Permit.
 6. The Navy submitted *Notices of Intent (NOI)* to comply with the *State Water Resources Control Board (State Water Board), Water Quality Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000001 (General Permit), Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (General Industrial Storm Water Permit)* for 5 of the 8 installations at NBPL. This Order includes pertinent specifications, limitations, and monitoring requirements from the General Industrial Storm Water Permit. This Order includes additional specifications, reporting requirements, and monitoring requirements not required by the General Industrial Storm Water Permit. For the NBPL, this Order supersedes the General Industrial Storm Water Permit.
 7. This Order requires the discharger to implement *Best Available Technology Economically Achievable (BAT)* and *Best Conventional Pollutant Control Technology (BCT)* to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges.
 8. The Clean Water Act, Section 402(p)(3)(A), requires discharges associated with industrial activity be regulated in a manner that will ensure attainment of water quality standards or objectives.
 9. Ship repair and maintenance activities may allow pollutants and wastes to be discharged to waters of the United States.

The discharge of wastes from ship repair and maintenance activities are prohibited in this Order. Storm water discharges from areas that are used for ship repair and maintenance activities at the NBPL could result in discharges of significant quantities of copper or zinc.

10. The Navy conducts ship repair and maintenance activities on ships, and on the piers and shoreside facilities at SUBASE using Naval personnel and civilian contractors. Ship repair and maintenance activities include abrasive blasting, hydroblasting, metal grinding, painting, tank cleaning, removal of bilge and ballast water, removal of anti-fouling paint, sheet metal work, electrical work, mechanical repair, engine repair, hull repair, and sewage disposal. Waste discharges from ship repair and maintenance activities such as hydraulic fluid, paint chips, and debris can cause high concentrations of copper, zinc, and other metals, and oil and grease in the industrial storm water runoff. High concentrations of pollutants in industrial storm water discharges can be toxic to aquatic organisms. Because of the potential for toxicity in the industrial storm water discharges, this Order includes limits for toxicity in the industrial storm water discharges.
11. The Basin Plan water quality objective for toxicity states that "All waters shall be maintained free from toxic substances in concentrations that are toxic to or produce detrimental physiological responses in human, plant, animal, or aquatic life. . . ." The CWA Sec. 101(a)(3) declares "that it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited." By complying with the industrial storm water discharge specifications for toxicity in this Order, the discharges of industrial storm water will be protective of the receiving water quality.

In order to evaluate the toxicity limit of 90% survival rate, 50% of the time, for industrial storm water discharges, the U.S. Navy shall conduct a study to evaluate various toxicity limits or standards which protect the beneficial uses of the receiving waters.

12. The industrial storm water discharges from ship repair and maintenance activities at SUBASE may result in toxic discharges with a *high risk* potential to impact water quality. *High risk areas* are areas where wastes or pollutants (including abrasive blast grit material, primer, paint, paint chips, solvents, oils, fuels, sludges, detergents, cleaners, hazardous substances, toxic pollutants, non-conventional pollutants, materials of petroleum origin, or other substances of water quality

- significance) are subject to exposure to precipitation and runoff. This Order requires the termination of the first $\frac{1}{4}$ inch of storm water runoff from high risk areas within 2 years after the adoption of this Order.
13. The NBPL will be subject to the requirements of a Municipal Storm Water Permit beginning in March 2003.
 14. Pursuant to the *Atomic Energy Act*, this Regional Board does not have jurisdictional authority to regulate the discharges of radioactive wastes. Therefore, this Order does not regulate discharges of radioactive wastes from nuclear submarine propulsion plants or from nuclear support facilities.
 15. The State Board *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (Implementation Policy) provides guidance for the development of effluent limits for toxic priority pollutants that will be consistent with water quality criteria for such pollutants promulgated by the U.S. EPA in 40 CFR 131.38 (the California Toxics Rule).
 16. The *Water Quality Control Plan, San Diego Basin (9)* (Basin Plan) designates beneficial uses and establishes narrative and numerical water quality objectives, and prohibitions, which are applicable to the discharges regulated under this Order.
 17. Pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (collectively *antidegradation policies*), antidegradation analysis is not necessary since this Order protects existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.
 18. Effluent limitations, and inland surface waters criteria, and enclosed bays and estuaries criteria established under Sections 301, 302, 303(d), 304, 306, and 402 of the CWA, as amended (33 U.S.C. 1251 et seq.), are applicable to the discharge.
 19. This Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to, the Beneficial Uses to be protected and the water quality objectives reasonably required for that purpose. The Basin Plan (p. 2-47, *Table 2-3. Beneficial Uses of Coastal Waters*) establishes the following beneficial uses for the waters of San Diego Bay:

- a. Industrial Service Supply;
 - b. Navigation;
 - c. Contact Water Recreation;
 - d. Non-contact Water Recreation;
 - e. Commercial and Sport Fishing;
 - f. Preservation of Biological Habitats of Special Significance;
 - g. Estuarine Habitat;
 - h. Wildlife Habitat;
 - i. Rare, Threatened, or Endangered Species;
 - j. Marine Habitat;
 - k. Migration of Aquatic Organisms; and
 - l. Shellfish Harvesting.
20. The issuance of waste discharge requirements for this discharge is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with the California Water Code, Section 13389.
21. Sections 13263 and 13377 of the Porter-Cologne Water Quality Control Act require waste discharge requirements to implement and ensure compliance with applicable federal regulations implementing the Clean Water Act as well as state and regional water quality control plans and policies, including Bays and Estuaries Policy, Anti-Degradation Policy, Implementation Policy, Basin Plan, and Thermal Plan.
- The Navy may apply for an exception to the temperature limits in this Order and for a modification to this Order by complying with Section 316(a) of the Federal Water Pollution Control Act of 1972, and subsequent federal regulations including 40 CFR 122. Any exception must also receive the concurrence of the State Water Resources Control Board (State Board).
22. Water quality objectives from the California Toxics Rule, the Basin Plan, and the Implementation Policy were considered when establishing the receiving water limits in this Order.
23. In an enforcement action it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order.
24. The discharger will conduct sediment monitoring within San Diego Bay in proximity to NBPL pursuant to the Regional

Board's process for the development of a Total Maximum Daily Load (TMDL). Therefore, compliance monitoring for discharges at NBPL do not need to include sediment monitoring other than the sediment monitoring conducted for the TMDL process.

25. The discharger may have solid residues from wastewater treatment or discharge. The requirements in this Order do not regulate discharges of solid wastes from wastewater treatment or discharge. The discharger is required to file a RWD and obtain waste discharge requirements (WDR) prior to any discharge of solid waste to land or to waters of the state.
26. This Regional Board has considered all water resource related environmental factors associated with the discharge of wastes from the NBPL Complex to San Diego Bay.
27. This Regional Board may modify or revoke requirements herein, and prohibit discharges regulated thereby, if on the basis of any new data, this Regional Board determines that continued discharges may cause unreasonable degradation of the marine environment, (this includes any evaluation of monitoring data required by this Order pursuant to the Implementation Policy).
28. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property of another, nor protect the discharger from its liabilities under federal, state, or local laws, nor create a vested right for the discharger to continue its waste discharge.
29. This Regional Board has notified the discharger and all known interested parties of its intent to issue NPDES waste discharge requirements for the discharges of waste from the NBPL.
30. This Regional Board has, at a public meeting, heard and considered all comments pertaining to the discharge of wastes from the U.S. Navy, NBPL Complex, to San Diego Bay.

IT IS HEREBY ORDERED, that the U.S. Navy (hereinafter discharger), in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the Clean Water Act (CWA) and the regulations adopted thereunder, shall comply with

the following requirements for discharges of wastes from NBPL Complex to San Diego Bay:

A. Prohibitions

1. Discharges of the following wastes are prohibited:
 - paint chips;
 - blasting materials;
 - paint over spray;
 - paint spills;
 - water contaminated with abrasive blast materials, paint, oils, fuels, lubricants, solvents, or petroleum;
 - hydroblast water;
 - tank cleaning water from tank cleaning to remove sludge and/or dirt;
 - clarified water from oil and water separator, except for storm water discharges treated by an oil and water separator and reported by the U.S. Navy to the Regional Board;
 - steam cleaning water;
 - demineralizer and reverse osmosis brine;
 - water from the ARCO's wastewater holding tanks when the drydock is in use as a work area; and
 - oily bilge water.
2. The thermal waste discharge from the diesel engine cooling water discharge at the *Magnetic Silencing Facility* (MSF) shall not be greater than 4°F above the natural temperature of the receiving water unless the Regional Board grants, and the State Water Resources Control Board concurs with, an exception to the 4°F temperature limit pursuant to the *General Water Quality Provisions* of the *Thermal Plan*.
3. Compliance with the waste discharge prohibitions contained in the Basin Plan and listed in *Attachment C* hereto is required as a condition of this Order. [Basin Plan (BP)]
4. Discharges of wastes that have not been described in the RWD and Fact Sheet for this Order, and discharges of waste in a manner or to a location that has not been specifically described in the RWD and Fact Sheet for this Order are prohibited unless regulated by applicable waste discharge requirements.

5. Except as allowed in *Attachment D, Storm Water Pollution Prevention Plan* (SWPPP) requirements of this Order, non-storm water discharges that discharge either directly or indirectly to waters of the United States are prohibited. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit.
6. Industrial storm water discharges and authorized or permitted non-storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance as defined in CWC Section 13050.
7. Wastes shall not be discharged into or adjacent to areas where the protection of beneficial uses requires spatial separation from waste fields. (EBEP)

B. DISCHARGE SPECIFICATIONS

1. The discharger shall not cause pollution, contamination, or nuisance, as those terms are defined in CWC 13050, as a result of the treatment or discharge of wastes.
2. Whenever the analyses of an industrial storm water discharge from any industrial activity contains a copper concentration greater than 63.6 µg/L or a zinc concentration greater than 117 µg/L, the discharger shall perform the following task:
 - a) review and modify the SWPPP as necessary to reduce the concentrations of copper and zinc;
 - b) after modifying the SWPPP, sample and analyze the next 2 storm water runoff events;
 - c) document the review and the modifications to the SWPPP, and document the sampling analysis.
3. For the SUBASE facility, the discharge of the first ¼ inch of storm water runoff from all high risk¹ areas shall be terminated no later than 2 years after the adoption of this Order.
4. a. For the SUBASE facility, effective 4 years after the adoption of this Order, in a 96-hour static or continuous flow bioassay (toxicity) test, undiluted storm water runoff associated with industrial activity shall not produce less

¹ *High risk areas* are areas where wastes or pollutants (including abrasive blast grit material, primer, paint, paint chips, solvents, oils, fuels, sludges, detergents, cleaners, hazardous substances, toxic pollutants, non-conventional pollutants, materials of petroleum origin, or other substances of water quality significance) are subject to exposure to precipitation and runoff.

than 90% survival, 50% of the time, and not less than 70 percent survival 10% of the time, using standard test species and protocol.

b. During the 4-year period before the effective date of the toxicity limit set forth in *paragraph a.* of this *Specification*, the U.S. Navy shall conduct a study of the toxicity in storm water discharges from all areas of SUBASE at which industrial activities are undertaken and shall recommend a scientifically valid survival rate for acute exposure to discharges of storm water from industrial areas at SUBASE. The study may include a Toxicity Identification Evaluation (TIE), or a Toxicity Reduction Evaluation (TRE).

5. All waste treatment, containment and disposal facilities shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.
6. All waste treatment, containment and disposal facilities shall be protected against erosion, overland runoff and other impacts resulting from a 100-year frequency 24-hour storm.
7. Collected screenings, sludges, and other solids removed from liquid wastes, shall be disposed of in compliance with appropriate local, regional, state, and federal regulations or statutes.

C. RECEIVING WATER LIMITATIONS

1. The discharge of wastes shall not cause or contribute to an exceedence of any applicable water quality objective or standards contained in a Statewide Water Quality Control Plan, the California Toxics Rule, or the San Diego Basin Plan.
2. Storm water discharges and authorized non-storm water discharges to any surface or ground water shall not adversely affect human health or the environment.
3. For the industrial storm water discharges, the discharger shall comply with *Receiving Water Limitations C.1 and C.2* through timely implementation of control measures and other actions to reduce or prevent pollutants in the discharges in accordance with the SWPPP and other requirements of this Order including any modifications. The SWPPP shall be developed and implemented to achieve compliance with *Receiving Water Limitations*. If exceedence of water quality objectives or water quality standards (collectively, WQS)

persist notwithstanding implementation of the SWPPP and other requirements of this Order, the discharger shall assure compliance with all *Receiving Water Limitations* by complying with the following procedure:

- a. Within 30 days after a determination by either the discharger or this Regional Board that discharges are causing or contributing to an exceedence of an applicable WQS, the discharger shall submit a report to this Regional Board that describes the Best Management Practices (BMP) that are currently being implemented and the additional BMP that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedence of WQS. The report shall include an implementation schedule. This Regional Board may direct an earlier report submittal or may require modifications to the report.
 - b. Submit any modifications to the report required by this Regional Board within 30 days of notification.
 - c. Within 30 days following submittal of the modifications required above, the discharger shall revise the SWPPP and monitoring program to incorporate the required modified BMP that have been and will be implemented, implementation schedule, and any additional monitoring required.
 - d. Implement the revised SWPPP and monitoring program in accordance with the required schedule.
4. If the discharger has complied with the above procedures and is implementing the revised SWPPP, the discharger does not have to repeat the same procedure for continuing or recurring exceedences of the same receiving water limitations unless directed by this Regional Board to develop additional BMP.
 5. The discharge of wastes to waters of the State or San Diego Bay shall not by itself or jointly with any discharge(s) cause violation of the following water quality objectives.
 - a. Physical Characteristics
 - (1) Waters shall not contain oils, greases, waxes, or other materials in concentrations which result in a visible film or coating on the surface of the water or on objects in the water, or which cause nuisance or which otherwise adversely affect beneficial uses. [BP]

- (2) Waters shall not contain floating material, including solids, liquids, foams, and scum in concentrations which cause nuisance or adversely affect beneficial uses. [BP]
- (3) The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses. [BP]
- (4) Waters shall not contain suspended and settleable solids in concentrations of solids that cause nuisance or adversely affect beneficial uses. [BP]
- (5) Waters shall not contain taste or odor producing substances at concentrations, which cause a nuisance or adversely affect beneficial uses. [BP]
- (6) The transparency of bay waters, insofar as it may be influenced by any controllable factor, either directly or through induced conditions, shall not be less than 8 feet in more than 20 percent of the readings in any zone, as measured by a standard Secchi disk. Wherever the water is less than 10 feet deep, the Secchi disk reading shall not be less than 80 percent of the depth in more than 20 percent of the readings in any zone. [BP]

b. Chemical Characteristics

- (1) Dissolved oxygen levels shall not be less than 5.0 mg/L. The annual mean dissolved oxygen concentration shall not be less than 7 mg/L more than 10% of the time. [BP]
- (2) The pH shall not be changed at any time more than 0.2 units from that which occurs naturally. The pH shall not be depressed below 7.0 nor raised above 9.0. [BP]
- (3) The San Diego Bay waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growths cause nuisance or adversely affect beneficial uses. [BP]

- (4) The discharge of wastes shall not cause concentrations of un-ionized ammonia (NH_3) to exceed 0.025 mg/l (as N) in San Diego Bay. [BP]
- (5) No individual pesticide or combination of pesticides shall be present in the water column, sediments or biota at concentration(s) that adversely affect beneficial uses. Pesticides shall not be present at levels which will bioaccumulate in aquatic organisms to levels which are harmful to human health, wildlife or aquatic organisms. [BP]

c. Radioactivity

Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life. [BP]

d. Toxicity

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration, or other appropriate methods will determine compliance with this objective. [BP]

D. PROVISIONS

- 1. The discharger shall reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges through implementation of *best available technology economically achievable* (BAT) for toxic and non-conventional pollutants, and *best conventional pollutant control technology* (BCT) for conventional pollutants.
- 2. The discharger shall develop and implement a *Storm Water Pollution Prevention Plan* (SWPPP) that complies with the requirements in *Attachment D, Section A* of this Order and that includes *Best Management Practices* (BMP) that achieve BAT and BCT.
- 3. The discharger shall implement the *Marine Pollution Control Devices* (MPCD) requirements for discharges from the ARCO

floating drydock when they are developed pursuant to the *Uniform National Discharge Standards (UNDS) for Armed Forces Vessels*.

4. The discharger shall comply with the *Provisions* listed in *Attachment E*.
5. The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncomplying discharge.
6. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement.
7. The discharger shall allow this Regional Board, or its authorized representative, or any representative of the United States Environmental Protection Agency, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operation regulated or required under this Order; and
 - d. Sample or monitor, at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the Clean Water Act or California Water Code, any substances or parameters at any location.
8. The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by

the discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.

9. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production of all discharges, or both, until the facility is restored or an alternative method of treatment is provided.
10. A copy of this Order shall be posted at a prominent locations at each of the Installations at the *U.S. Naval Base Point Loma Complex*, and shall be available to operating personnel (Navy personnel or ships' force, civil service personnel, and civilian contractors) at all times.
11. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.

E. SPECIAL CONDITIONS FOR UTILITY VAULT & MANHOLE DEWATERING DISCHARGES

1. The discharger shall reduce or prevent pollutants associated with utility vault & manhole (utility vault) dewatering discharges through implementation of *best available technology economically achievable* (BAT) for toxic and non-conventional pollutants, and *best conventional pollutant control technology* (BCT) for conventional pollutants.
2. The discharger shall develop and implement a *Pollution Prevention Plan* (PLAN) that complies with the requirements in this Order and that includes *Best Management Practices* (BMP) that achieve BAT and BCT.
3. The following elements shall constitute a complete and acceptable PLAN.
 - a. The PLAN shall be divided into at least four sections:
 - (1) Scheduled Discharges;
 - (2) Unscheduled Discharges;
 - (3) Reservoir Discharges, if any; and

- (4) Emergency Operation Discharges.
- b. A map showing the essential features of the distribution system for the service area within this Regional Board's boundary and showing the corresponding surface waters to which water may be discharged. The map should be to a scale of 1:24000 if practical. If the above scale is not practical, then a scale of up to 1:144000 may be used. If this scale is not practical as well, then the map may be larger than 8-1/2" x 11".
 - c. For each section of the PLAN, include a narrative description of the following:
 - (1) The types of discharges that occur.
 - (2) The pollutant constituents expected in each type of discharge.
 - (3) The approximate duration (expressed as a range) of each type of discharge.
 - (4) Existing structural and nonstructural control measures (if any) to reduce pollutants in discharges to surface water.
 - d. The PLAN shall identify any different types of utility vault discharges and potential sources of pollutants. For each section of the PLAN, describe the applicable BMP. A BMP shall be developed for each type of discharge and be included in the PLAN. The BMP shall include:
 - (1) A detailed description;
 - (2) The standard operating procedures;
 - (3) Samples of any necessary field calculations;
 - (4) Monitoring and evaluation procedures;
 - (5) Structural diagrams where necessary to understand the BMP;
 - (6) Advantages and limitations; and
 - (7) References used to develop the BMP.
- 4. The PLAN shall be designed to comply with *best available technology* (BAT), *best conventional pollutant control technology* (BCT), and to ensure compliance with water quality standards.
 - 5. The PLAN shall be retained by the discharger and distributed to the appropriate personnel responsible for implementing the requirements for the utility vault discharges.
 - 6. The discharger shall amend the PLAN whenever there is a change in construction, operation, or maintenance, when such

amendment is necessary to ensure compliance with BAT, BCT, and receiving water limits. The PLAN shall also be amended if it is in violation of any conditions of this Order or has not achieved the general objective of controlling pollutants in discharges to surface waters.

7. This Regional Board may notify the discharger that the discharger's PLAN does not meet one or more of the minimum requirements of this section, *E. Special Conditions for Utility Vault Discharges*. A time schedule to make the changes will be included with this notification. After making the required changes, the discharger shall provide written certification that the changes have been made.
8. The PLAN and any amendments thereto shall be certified in accordance with the signatory requirements of *Reporting Requirement F.8*.
9. The PLAN shall be submitted to this Regional Board within 6 months of the adoption of this Order.
10. Any subsequent modifications to the PLAN shall be submitted with the annual report for utility vault discharges.
11. If an exceedence of a *Receiving Water Limitations* has been identified by the discharger or by this Regional Board as a result of a utility vault discharge, either of the following actions shall be undertaken to ensure compliance with this Order:
 - a. The discharger shall demonstrate to the satisfaction of this Regional Board that the discharger is fully implementing its PLAN and continued implementation of the PLAN will prevent future exceedence of the receiving water limits; or
 - b. The discharger shall develop and submit new or revised BMP to prevent future exceedence. The discharger shall implement such BMP and document the progress of implementation and effectiveness thereof in the Annual Report to this Regional Board's Executive Officer.
12. Solids removed from liquid wastes shall be disposed of in a manner that is consistent with applicable local, state, and federal regulations and statutes.

F. REPORTING REQUIREMENTS

1. Annually, the discharger shall evaluate the data collected pursuant to *Monitoring and Reporting Program No. R9-2002-0002* and determine if the data indicates that the discharge has caused, or contributed to, an exceedence of applicable water quality objectives or impairment of water quality needed for designated beneficial uses in San Diego Bay.
2. The discharger shall file a new Report of Waste Discharge not less than 180 days prior to the following:
 - a. Addition of any industrial waste to the discharge or the addition of a new process or product resulting in a change in the character of the wastes.
 - b. Significant change in disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste).
 - c. Significant change in disposal area (e.g., moving the discharge to a disposal area significantly removed from the original area, potentially causing different water quality or nuisance problems).
 - d. Increase in flow beyond that specified in this Order.
 - e. Other circumstances, which result in a material change in character, amount, or location of the waste discharge.
3. The discharger shall give advance notice to this Regional Board of any planned changes in the regulated facility or activity, which may result in noncompliance with the requirements of this Order.
4. The discharger must notify this Regional Board, in writing, at least 30 days in advance of any proposed transfer of this facility to a new discharger. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgment that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable after the transfer date.
5. The discharger shall report any noncompliance, which may endanger health or the environment orally to this Regional Board within 24 hours from the time the discharger becomes

aware of the circumstances. The following occurrences must be reported to this Regional Board within 24 hours:

- a. Any upset which causes the effluent limitations of this Order to be exceeded; and
- b. Any violation of any prohibition of this Order.

The discharger shall submit to this Regional Board a written follow-up report within ten days unless this Regional Board explicitly waives submission the written report on a case-by-case basis if the oral report has been received within 24 hours. The written report must contain the following items:

- a description of the noncompliance and its cause;
 - the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
6. The discharger shall furnish to this Regional Board, within a reasonable time, any information which this Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order, or to determine compliance with this Order. The discharger shall also furnish to this Regional Board, upon request, copies of records required to be kept by this Order.
 7. When the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge, or submitted incorrect information in a Report of Waste Discharge, or in any report to this Regional Board, it shall promptly notify the Regional Board of the failure and submit corrected facts or information.
 8. All applications, reports, or information submitted to this Regional Board shall be signed and certified as follows.
 - a. All Reports of Waste Discharge shall be signed as follows by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
 - b. All reports required by this Order, and other information requested by this Regional Board shall be

signed by a person described in paragraph a. of this reporting requirement, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph a. of this reporting requirement;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and,
 - (3) The written authorization is submitted to this Regional Board.
- c. If an authorization under paragraph b. of this reporting requirement is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this reporting requirement must be submitted to this Regional Board prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Any person signing a document under paragraph a. or b. of this reporting requirement shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information,

including the possibility of fine and imprisonment for knowing violations.

9. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this Order shall be available for public inspection at the offices of the California Regional Water Quality Control Board, San Diego Region and the United States Environmental Protection Agency, Region IX. As required by the Clean Water Act, Reports of Waste Discharge, this Order, and effluent monitoring data shall not be considered confidential.
10. The discharger shall submit reports and provide notifications as required by this Order in accordance with the following:

- a. Reports required to be submitted to this Regional Board shall be sent to:

Industrial Compliance Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

Notifications required to be provided to this Regional Board shall be made to:

Telephone - (858) 467-2952 or
Facsimile - (858) 571-6972

- b. Reports required to be submitted to the USEPA shall be sent to:

U.S. Environmental Protection Agency
Region IX
Compliance Office (WTR-7)
75 Hawthorne Street
San Francisco, California 94105

G. NOTIFICATIONS

1. CWC Section 13263(g) states:

No discharge of waste into the waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the

discharge. All discharges of waste into waters of the state are privileges, not rights.

2. The CWC provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the Clean Water Act. [CWC Sections 13385, and 13387]

Nothing in this Order shall be construed to protect the discharger from its liabilities under federal, state, or local laws.

Except as provided for in 40 CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the discharger from civil or criminal penalties for noncompliance.

Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

Nothing in this Order shall be construed to preclude institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the CWA.

3. Any noncompliance with this Order constitutes violation of the California Water Code and is grounds for denial of an application for permit modification. (Also see 40 CFR 122.41(a))
4. This Order shall become effective 10 days after the date of its adoption, provided the USEPA Regional Administrator has no objection. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.
5. This order supersedes the requirements of the General Industrial Storm Water Permit, Water Quality Order No. 97-03-DWQ, for the Naval Submarine Base, San Diego (SUBASE); the Magnetic Silencing Facility (MSF); Space and Naval Warfare System Center, San Diego, Point Loma Campus (SSC San Diego, PLC); Space and Naval Warfare Systems Center, Old Town Campus (SSC San Diego, OTC); and the Fleet Industrial Supply Center (FISC), Point Loma.

6. This Order supersedes the requirements of the General Utility Vault Permit, Water Quality Order No. 2001-11-DWQ, for the NBPL Complex.
7. This Order expires on September 11, 2007.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on September 11, 2002.

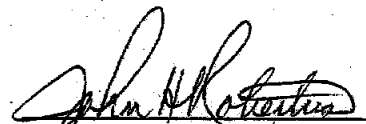
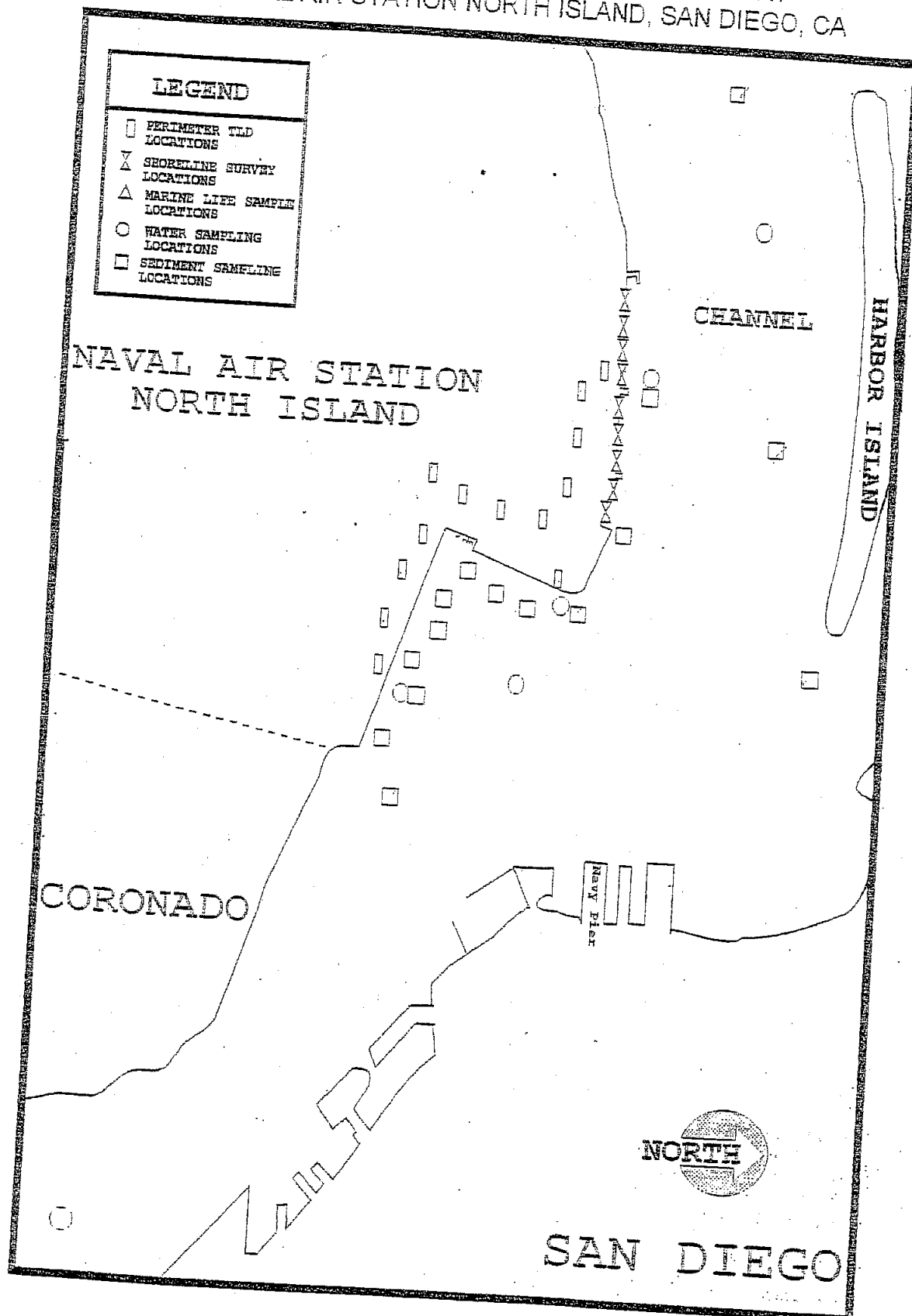

JOHN H. ROBERTUS
Executive Officer

FIGURE 1
ENVIRONMENTAL MONITORING LOCATIONS AT
U.S. NAVAL AIR STATION NORTH ISLAND, SAN DIEGO, CA



From: Report NT-02-01, March 2002

FIGURE 2
ENVIRONMENTAL MONITORING LOCATIONS AT
U.S. NAVAL SUBMARINE BASE, SAN DIEGO, CA

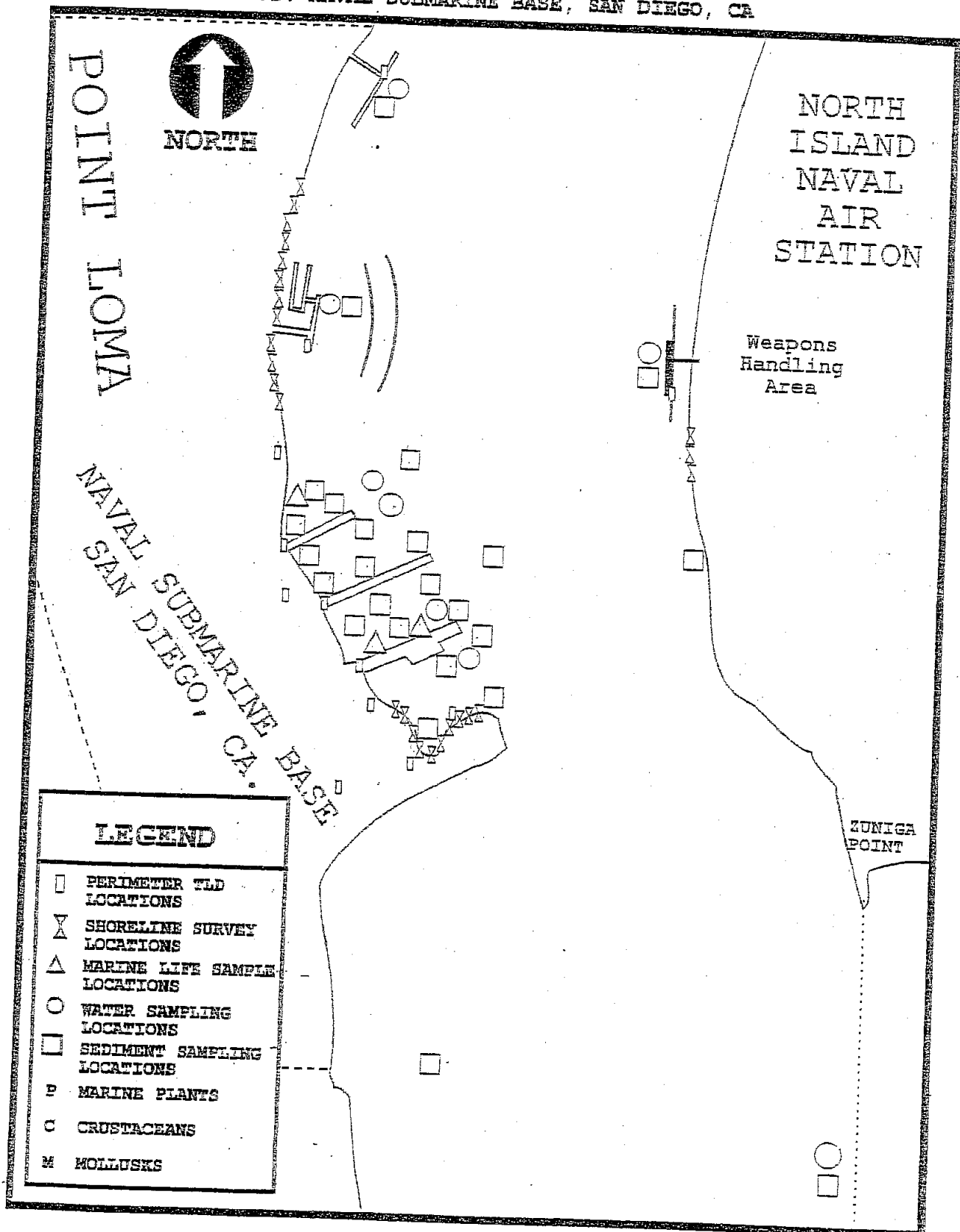
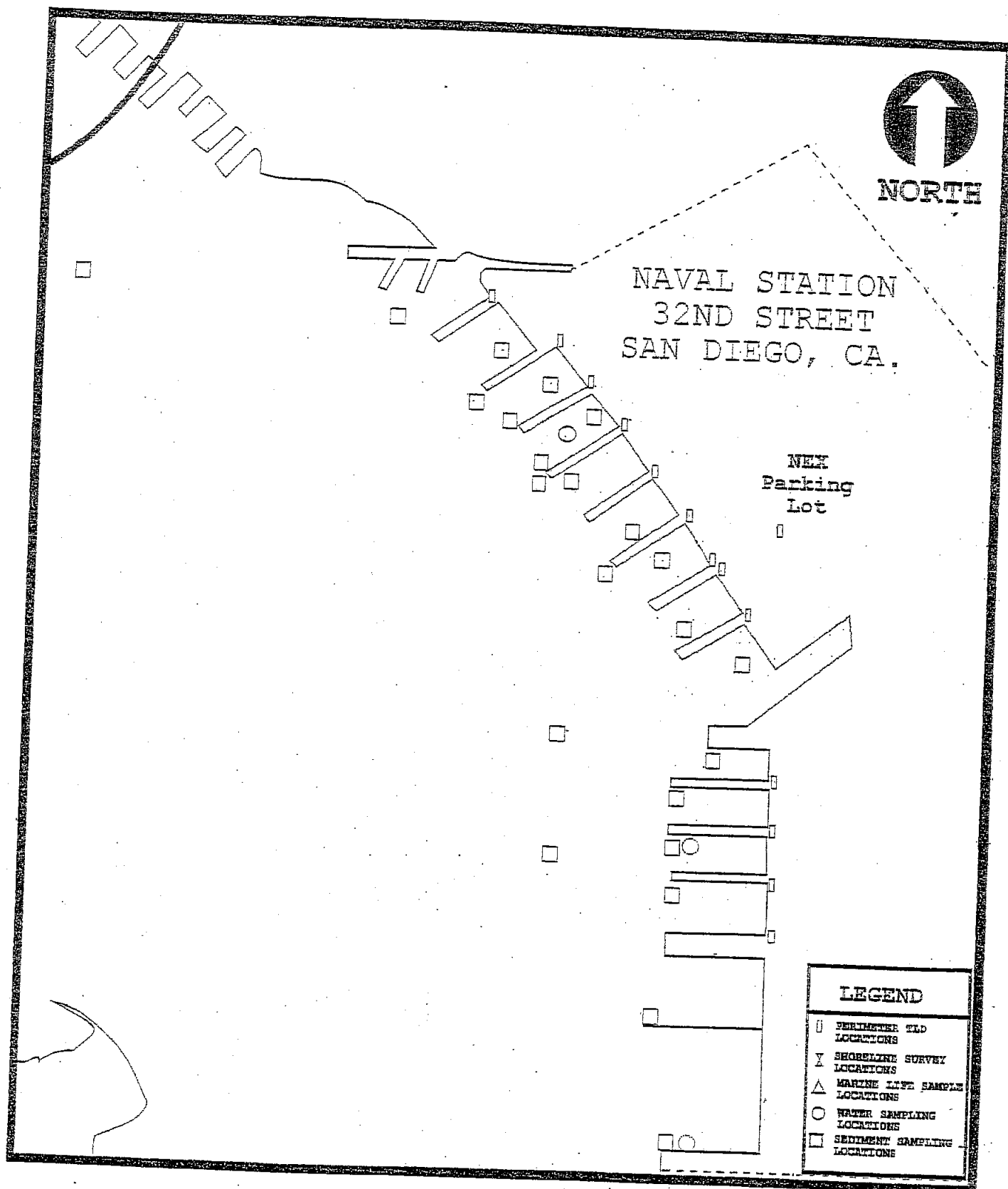
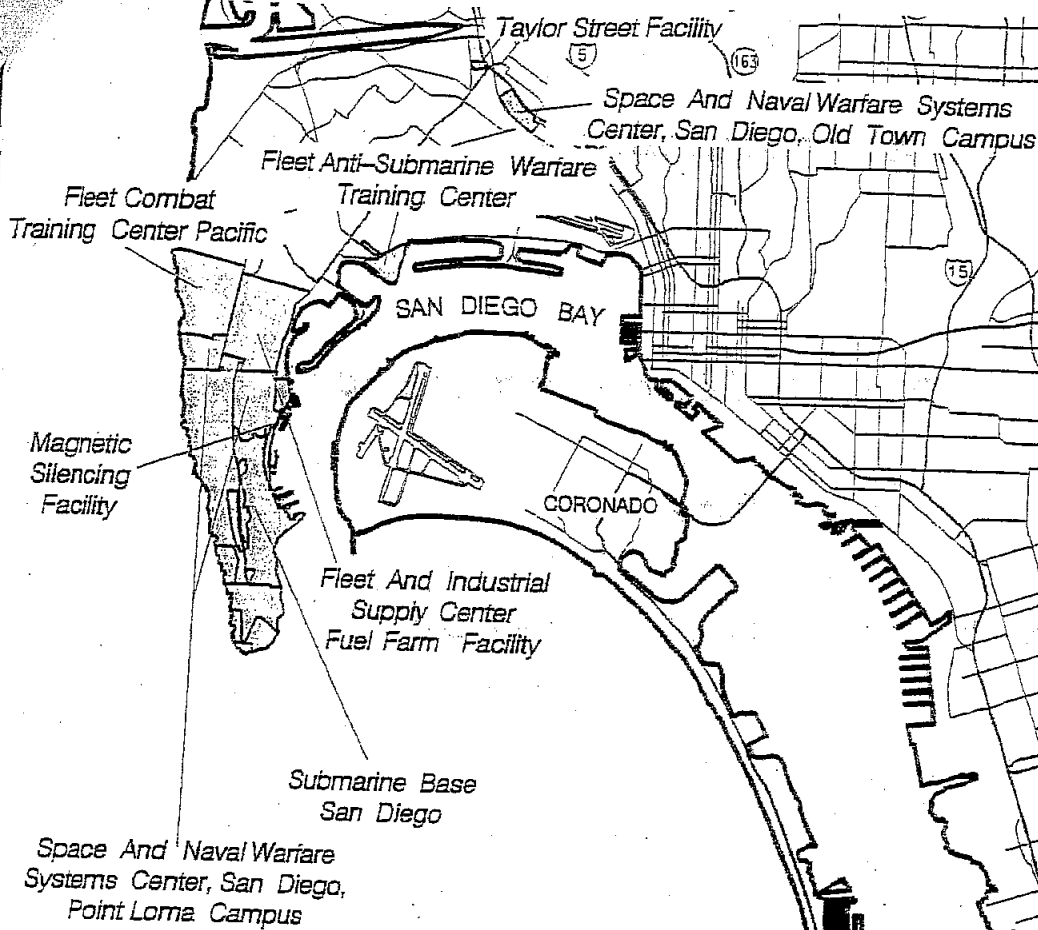


FIGURE 3
ENVIRONMENTAL MONITORING LOCATIONS AT
U.S. NAVAL STATION 32ND STREET, SAN DIEGO, CA



From: Report NT-02-01, March 2002

SUPPORTING
DOCUMENT 5.



NAVAL BASE POINT LOMA COMPLEX

LOCATION MAP

NAVAL BASE POINT LOMA COMPLEX



NAVY PUBLIC WORKS CENTER
CODE 940
2730 MCKEAN ST. SUITE 1
SAN DIEGO, CALIFORNIA 92136

Date: 03 APR 1022
File No. br019a.dgn

NPDES

Attachment B

Discharge Coordinates

Order No. R9-2002-0002

Table 1. Discharge coordinates for SUBASE.

Discharge	Latitude	Longitude
Steam Condensate Pier 5000, Steam 1	32°41'19" north	117°14'16" west
Steam Condensate Pier 5000, Steam 2	32°41'20" north	117°14'14" west
Industrial storm water discharges, middle pier location	32°41'20" north	117°14'14" west
ARCO ballast water	32°41'16" north	117°14'8" west
Boom cleaning water, middle pier location	32°41'20" north	117°14'14" west
Utility Vault, Pier 5000, Vault 1	32°41'20" north	117°14'15" west
Utility Vault, Pier 5000, Vault 2	32°41'20" north	117°14'14" west
Utility Vault, Pier 5000, Vault 3	32°41'21" north	117°14'12" west
Utility Vault, Pier 5000, Vault 4	32°41'22" north	117°14'10" west
Utility Vault, Pier 5000, Vault 5	32°41'23" north	117°14'8" west
Utility Vault, Pier 5002, Vault 2	32°41'17" north	117°14'7" west
Utility Vault, Pier 5002, Vault 3	32°41'17" north	117°14'6" west
Utility Vault, Pier 5003, Vault 1	32°41'25" north	117°14'16" west
Utility Vault, Pier 5003, Vault 2	32°41'25" north	117°14'15" west
Manhole dewatering, landscape runoff, potable water, and fire system may occur	several locations, coordinates not included in the RWD	several locations, coordinates not included in the RWD

Table 2. Discharge coordinates for MSF.

Discharge	Latitude	Longitude
Diesel engine cooling water	32°41'42" north	117°14'20" west
Industrial storm water	several locations, coordinates not included in the RWD	several locations, coordinates not included in the RWD
Pier cleaning water occurs at several locations along the pier	32°41'42" north	117°14'20" west
Dolphin pool	32°41'42" north	117°14'20" west
Abalone and bioassay**	32°41'42" north	117°14'20" west
Manhole dewatering, landscape runoff, potable water, and fire system may occur	several locations, coordinates not included in the RWD	several locations, coordinates not included in the RWD

**Personnel from SCC San Diego PLC manage the abalone and bioassay facilities and discharges.

Table 3. Discharge coordinates for SSC San Diego PLC.

Discharge	Latitude	Longitude
Dolphin pool	32°41'34" north	117°14'22" west
Industrial storm water	several locations, coordinates not included in the RWD	several locations, coordinates not included in the RWD
Small boat rinsing	32°42'13" north	117°14'7" west
Mammal enclosure cleaning	32°42'13" north	117°14'7" west
Unused Bay water	32°42'18" north	117°14'16" west
Manhole dewatering, landscape runoff, potable water, and fire system may occur	several locations, coordinates not included in the RWD	several locations, coordinates not included in the RWD

ATTACHMENT C

ORDER NO. R9-2002-0002

BASIN PLAN WASTE DISCHARGE PROHIBITIONS

California Water Code Section 13243 provides that a Regional Board, in a water quality control plan, may specify certain conditions or areas where the discharge of waste, or certain types of waste is not permitted. The following discharge prohibitions are applicable to any person, as defined by Section 13050 of the California Water Code, who is a citizen, domiciliary, or political agency or entity of California whose activities in California could affect the quality of waters of the state within the boundaries of the San Diego Region.

1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code Section 13050, is prohibited.
2. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code Section 13264 is prohibited.
3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredge or fill material permit (subject to the exemption described in California Water Code Section 13376) is prohibited.
4. The discharge of treated or untreated waste to lakes or reservoirs used for municipal water supply, or to inland surface water tributaries thereto, is prohibited.
5. The discharge of waste to inland surface waters, except in cases where the quality of the discharge complies with applicable receiving water quality objectives, is prohibited. Allowances for dilution may be made at the discretion of the Regional Board. Consideration would include streamflow data, the degree of treatment provided and safety measures to ensure reliability of facility performance. As an example, discharge of secondary effluent would probably be permitted if streamflow provided 100:1 dilution capability.
6. The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the enrollee is prohibited unless the discharge is authorized by the Regional Board.
7. The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner that may permit its being transported into the waters, is prohibited unless authorized by the Regional Board.
8. Any discharge to a storm water conveyance system that is not composed entirely of "storm water" is prohibited unless authorized by the Regional Board. [Federal Regulations 40 CFR 122.26 (b) defines storm water as storm water runoff, snow melt

runoff, and surface runoff and drainage.]

9. The unauthorized discharge of treated or untreated sewage to waters of the state or to a storm water conveyance system is prohibited.
10. The discharge of industrial wastes to conventional septic tank/subsurface disposal systems, except as authorized by the terms described in California Water Code Section 13264, is prohibited.
11. The discharge of radioactive wastes amenable to alternative methods of disposal into the waters of the state is prohibited.
12. The discharge of any radiological, chemical, or biological warfare agent into waters of the state is prohibited.
13. The discharge of waste into a natural or excavated site below historic water levels is prohibited unless the discharge is authorized by the Regional Board.
14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities that cause deleterious bottom deposits, turbidity or discoloration in waters of the state or that unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.
15. The discharge of treated or untreated sewage from vessels to Mission Bay, Oceanside Harbor, Dana Point Harbor, or other small boat harbors is prohibited.
16. The discharge of untreated sewage from vessels to San Diego Bay is prohibited.
17. The discharge of treated sewage from vessels to portions of San Diego Bay that are less than 30 feet deep at mean lower low water (MLLW) is prohibited.
18. The discharge of treated sewage from vessels that do not have a properly functioning US Coast Guard certified Type I or Type II marine sanitation device to portions of San Diego Bay that are greater than 30 feet deep at MLLW is prohibited.

ATTACHMENT D

SECTION A: STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

1. Implementation Schedule

A storm water pollution prevention plan (SWPPP) shall be developed and implemented for each installation discharging industrial storm water discharges as identified in the RWD by the U.S. Navy for NBPL.

The discharger shall continue to implement its existing SWPPP. The discharger shall implement any necessary revisions to its SWPPP to comply with the requirement herein no later than December 1, 2002.

2. Objectives

a. The discharger's SWPPP shall be prepared to achieve these objectives:

- i. To identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of facility's industrial storm water discharges and authorized non-storm water discharges;
- ii. To identify, describe and implement site-specific Best Management Practices (BMP) to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges;
- iii. To identify and implement timely revisions and/or updates to the SWPPP.

b. To achieve the SWPPP objectives, the discharger shall prepare written facility-specific SWPPP in accordance with all applicable SWPPP requirements of this Section. The SWPPP shall include all required maps, descriptions, schedules, checklists, and relevant copies or specific references to other documents that satisfy the requirements of this Section¹.

¹Item A-2, located at the end of this Section, summarizes the typical development and implementation steps necessary to achieve the described objectives.

3. Planning and Organization

a. SWPPP Checklist

Upon completing the facility's SWPPP, the discharger shall prepare the SWPPP Checklist (Item A-1) located at the end of this section. For each requirement listed, the discharger shall identify the page number where the requirement is located in the SWPPP (or the title, page number, and location of any reference documents), the implementation date or last revision date, and any SWPPP requirements that may not be applicable to the facility.

b. Pollution Prevention Team

- i. The SWPPP shall identify specific individuals and their positions within the facility organization as members of a storm water pollution prevention team responsible for developing the SWPPP, assisting the facility manager in SWPPP implementation and revision, and conducting all monitoring program activities required in Section B of this Order.
- ii. The SWPPP shall clearly identify the responsibilities, duties, and activities of each team member.
- iii. The SWPPP shall identify, as appropriate, alternate Individuals to perform the required SWPPP and monitoring program activities when team members are temporarily unavailable (due to vacation, illness, out of town meetings, etc.)

c. Review Other Requirements and Existing Facility Plans

- i. The SWPPP shall be developed, implemented, and revised as necessary to be consistent with any applicable municipal, State, and Federal requirements that pertain to the requirements of this Order. For example, a municipal storm water management agency may require specific BMP implementation activities.
- ii. The SWPPP may incorporate or reference the elements of the discharger's existing plans, procedures, or

regulatory compliance documents that contain storm water pollution control practices or otherwise relate to the requirements of this Order. For example, facilities subject to Federal Spill Prevention Control and Countermeasures' requirements should already have instituted a plan to control spills of certain hazardous materials, or facilities subject to regional air quality emission controls may already have evaluated industrial activities that emit dust or particulate pollutants.

4. Site Map

The SWPPP shall include a site map. The site map shall be provided on an 8-1/2 x 11 inch or larger sheet and include notes, legends, north arrow and other data as appropriate to ensure that the site map is clear and understandable. If necessary, the discharger may provide the required information on multiple site maps. The following information shall be included on the site map:

- a. Outlines of the facility boundary, storm water drainage areas within the facility boundary, and portions of any drainage area impacted by discharges from surrounding areas. Identify boundaries of *high risk* areas. Include the flow direction of each drainage area; on-site surface water bodies; areas of soil erosion; and location(s) of near-by water bodies (such as rivers, lakes, wetlands, etc.) or municipal storm drain inlets that may receive the facility's storm water discharges and authorized non-storm water discharges.
- b. The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.
- c. An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.
- d. Locations where materials are directly exposed to precipitation and the locations where significant spills or

leaks identified in *Description of Potential Pollutant Sources*, Section A.6.a.iv, below, have occurred.

- e. Areas of industrial activity. Identify all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and reusing areas, and other of industrial activity which may have potential pollutant sources.
- f. For the SUBASE, identify the *high risk areas*.

5. List of Significant Materials

The SWPPP shall include a list of significant materials handled and stored at the site. For each material on the list, describe the locations where the material is stored, received, shipped, and handled, as well as the typical quantities and frequency. Materials shall include raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.

6. Description of Potential Pollutant Sources

- a. For each area identified in Section A.4.e, the SWPPP shall include a narrative description of the facility's industrial activities, potential pollutant sources, and potential pollutants that could be exposed to storm water or authorized non-storm water discharges. At a minimum, the following industrial activities shall be described as applicable:

- i. Industrial Processes

Describe each industrial process including the manufacturing, cleaning, maintenance, recycling, disposal or other activities related to the process. Include the type, characteristics, and approximate quantity of significant materials used in or resulting from the process. Areas protected by containment structures and the corresponding containment capacity shall be identified and described.

ii. Material Handling and Storage Areas

Describe each handling and storage area, including the type, characteristics, and quantity of significant materials handled or stored, description of the shipping, receiving, and loading procedures, and the spill or leak prevention and response procedures. Areas protected by containment structure and the corresponding containment capacity shall be identified and described.

iii. Dust and Particulate Generating Activities

Describe all industrial activities that generate dust or particulate pollutants that may be deposited within the facility's boundaries. Include their discharge locations and the type, characteristics, and quantity of dust and particulate pollutants that may be deposited within the facility's boundaries. Identify the primary areas of the facility where dust and particulate pollutants would settle.

iv. Significant Spills and Leaks

Identify and describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges since June 17, 1999. Include toxic chemicals (listed in 40 CFR, Part 302) that have been discharged to storm water as reported on U.S. Environmental Protection Agency (U.S. EPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 Code of Federal Regulations [CFR], Parts 110, 117, and 302).

The description shall include the location, characteristics, and approximate quantity of the materials spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that may be exposed to storm water or non-storm water discharges; and the preventative measures taken to ensure spills or leaks of the material do not reoccur.

v. Non-Storm Water Discharges

(1) Dischargers shall inspect the facility to identify all non-storm water discharges, sources, and drainage areas. All drains (inlets and outlets) shall be evaluated to identify whether they connect to the storm drain system.

(2) All non-storm water discharges shall be described. The description shall include the source, quantity, frequency, and characteristics of the non-storm water discharges and associated drainage area and shall identify whether the discharge is an authorized or unauthorized non-storm water discharge in accordance with Subsection 11. Examples of unauthorized non-storm water discharges are rinse and wash water (whether detergents are used or not), contact and non-contact cooling water, boiler blow-down, etc.

vi. Soil Erosion

Describe the facility locations where soil erosion may occur as a result of industrial activity, storm water discharges associated with industrial activity, or authorized non-storm water discharges.

7. Assessment of Potential Pollutant Sources

- a. The SWPPP shall include a narrative assessment of all areas of industrial activity and potential pollutant sources as described in A.6. To determine the likelihood that significant materials will be exposed to storm water or authorized non-storm water discharges, the assessment shall include consideration of the quantity, characteristics, and locations of each significant material handled, produced, stored, recycled, or disposed; the direct and indirect pathways that significant materials may be exposed to storm water or authorized non-storm water discharges; history of spills or leaks; non-storm water discharges; prior sampling, visual observation, and inspection records; discharges from adjoining areas; and the effectiveness of

existing BMP to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.

- b. Based upon the assessment above, the SWPPP shall identify any areas of industrial activity and corresponding pollutant sources where significant materials are likely to be exposed to storm water or authorized non-storm water discharges and where additional BMP are necessary to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.

8. Storm Water Best Management Practices

- a. The SWPPP shall include a narrative description of each BMP implemented at the facility. The BMP, when developed and implemented, shall be effective in reducing or preventing pollutants in storm water discharges and authorized non-storm water discharges.

The BMP narrative description shall include:

- i. The type of pollutants the BMP is designed to reduce or prevent.
 - ii. The frequency, time(s) of day, or conditions when the BMP is scheduled for implementation.
 - iii. The locations within each area of industrial activity or pollutant source where the BMP shall be implemented.
 - iv. Identification of the person and/or position responsible for implementing the BMP.
 - v. The procedures, including maintenance procedures, and/or instructions to implement the BMP.
 - vi. The equipment and tools necessary to implement the BMP.
- b. The discharger shall consider non-structural BMP for implementation at the facility. Non-structural BMP generally consist of processes, prohibitions, procedures, training, schedule of activities, etc., that prevent pollutants associated with industrial activity from contacting with storm water discharges and authorized non-storm water discharges. Below is a list of non-structural BMP that shall be considered:

i. Good Housekeeping

Good housekeeping generally consists of practical procedures to maintain a clean and orderly facility.

ii. Preventative Maintenance

Preventative maintenance includes the regular inspection and maintenance of storm water structural controls (i.e. catch basins, oil/water separators, etc.) as well as other facility equipment and systems.

iii. Spill Response

This includes spill clean-up procedures and necessary clean-up equipment based upon the quantities and locations of significant materials that may spill or leak.

iv. Material Handling and Storage

This includes all procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to storm water and authorized non-storm water discharges.

v. Employee Training Program

This includes the development of a program to train personnel responsible for implementing the various compliance activities of this Order including BMP implementation, inspections and evaluations, monitoring activities, and storm water compliance management. The training program shall include:

- (1.) A description of the training program and any training manuals or training materials.
- (2.) A discussion of the appropriate training frequency.

- (3.) A discussion of the appropriate personnel to receive training.
- (4.) A training schedule.
- (5.) Documentation of all completed training classes and the personnel who received training.

vi. Waste Handling/Recycling

This includes the procedures or processes to handle, store, or dispose of waste or recyclable materials.

vii. Record Keeping and Internal Reporting

This includes the procedures to ensure that all records of inspections, spills, maintenance activities, corrective actions, visual observations, etc., are developed, retained, and provided, as necessary to the appropriate facility personnel.

viii. Erosion Control and Site Stabilization

This includes a description of all sediment and erosion control activities. This may include the planting and maintenance of vegetation, diversion of run-on and runoff, placement of sandbags, silt screens, or other sediment control devices, etc.

ix. Inspections

Periodic visual inspections of a facility are necessary to ensure that the SWPPP addresses any significant changes to the facility's operations or BMP implementation procedures.

- (1.) A minimum of four quarterly visual inspections of all areas of industrial activity and associated potential pollutant sources shall be completed each reporting year. The annual comprehensive site compliance evaluation described in subsection 9 may substitute for one of the quarterly inspections.

- (2.) Tracking and follow-up procedures shall be described to ensure appropriate corrective actions and/or SWPPP revisions are implemented.
- (3.) A summary of the corrective actions and SWPPP revisions resulting from quarterly inspections shall be reported in the annual report.
- (4.) Dischargers shall certify in the annual report that each quarterly visual inspection was completed.
- (5.) All corrective actions and SWPPP revisions shall be implemented in accordance with subsection 10.d and e.

x. Quality Assurance

This includes the management procedures to ensure that the appropriate staff adequately implements all elements of the SWPPP and Monitoring Program.

c. Structural BMP

Where non-structural BMP identified in Section A.8.b above are not effective, structural BMP shall be considered. Structural BMP typically consist of structural devices that reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Below is a list of structural BMP that shall be considered:

i. Overhead Coverage

This includes structures that protect materials, chemicals, and pollutant sources from contact with storm water and authorized non-storm water discharges.

ii. Retention Ponds

This includes basins, ponds, surface impoundment, bermed areas, etc. that do not allow storm water to discharge from the facility.

iii. Control Devices

This includes berms or other devices that channel or route run-on and runoff away from pollutant sources.

iv. Secondary Containment Structures

This includes containment structures around storage tanks and other areas that collect any leaks or spills.

v. Treatment

This includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc., which reduce the pollutants in storm water discharges and authorized non-storm water discharges

- d. The SWPPP shall include a summary identifying each area of industrial activity and associated pollutant sources, pollutants, and BMP in a table similar to Item A-3 at the end of this section.

9. Annual Comprehensive Site Compliance Evaluation

The discharger shall conduct one comprehensive site compliance evaluation (evaluation) in each reporting period (July 1-June 30). Evaluations shall be conducted no less than 8 months from each other. The SWPPP shall be revised, as appropriate, and the revisions implemented within 90 days of the evaluation. Evaluations shall include the following:

- a. A review of all visual observation records, inspection records, and sampling and analysis results.
- b. A visual inspection of all areas of industrial activity and associated potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system. A visual inspection of equipment needed to implement the SWPPP.
- c. A review and evaluation of all BMP, both structural and non-structural, for each area of industrial activity and associated potential pollutant sources to determine whether the BMP are properly designed, implemented, and are effective in reducing and preventing pollutants in

storm water discharges and authorized non-storm water discharges.

d. An evaluation report that includes:

- i. Identification of personnel performing the evaluation,
- ii. Date(s) of the evaluation,
- iii. Summary and implementation dates of all significant corrective actions and SWPPP revisions for the reporting year,
- iv. Schedule for implementing any incomplete corrective actions and SWPPP revisions,
- v. Any incidents of non-compliance and the corrective actions taken, and
- vi. A certification that the discharger has completed the quarterly inspections specified in *Storm Water Best Management Practices, Subsection 8.b.ix*, above and that the discharger is complying with this Order. If the above certification cannot be provided, explain in the evaluation report why the discharger is not complying with this Order.
- vii. The evaluation report shall be submitted as part of the annual report, retained for at least five years, and signed and certified in accordance with *Reporting Requirement F.8* of this Order.

10. SWPPP General Requirements

- a. The SWPPP shall be retained at the facility and made available upon request of a representative of the Regional Water Board or local storm water management agency (local agency).
- b. Upon notification by the Regional Board and/or local agency that the SWPPP does not meet one or more of the minimum requirements of this Section, the discharger shall revise the SWPPP and implement additional BMP that are effective in reducing and eliminating pollutants in storm water discharges and authorized non-storm water discharges. As requested, the

discharger shall provide an implementation schedule and/or completion certification to the Regional Board and/or local agency.

- c. The SWPPP shall be revised, as appropriate, and implemented prior to changes in industrial activities, which;
 - may significantly increase the quantities of pollutants in storm water discharge; or
 - cause a new area of industrial activity at the facility to be exposed to storm water; or
 - begin an industrial activity that would introduce a new pollutant source at the facility.
- d. The discharger shall revise the SWPPP and implement the appropriate BMP in a timely manner and in no case more than 90 days after a discharger determines that the SWPPP is in violation of any Order requirement.
- e. When any part of the SWPPP is infeasible to implement by the deadlines specified above due to proposed significant structural changes, the discharger shall:
 - i. Submit a report to the Regional Board that:
 - (1.) identifies the portion of the SWPPP that is infeasible to implement by the deadline;
 - (2.) provides justification for a time extension, provides a schedule for completing and implementing that portion of the SWPPP; and
 - (3.) Describes the BMP that will be implemented in the interim period to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.
 - ii. Comply with any request by the Regional Board to modify the report required in Subsection i. or provide certification that the SWPPP revisions have been implemented.

- f. The SWPPP shall be provided, upon request, to the Regional Board, local storm water management agency, or Compliance Inspection Designees. The Regional Board under Section 308(b) of the Clean Water Act considers the SWPPP a report that shall be available to the public.

11. Authorized Non-Storm Water Discharges Special Requirements

- a. The following non-storm water discharges are authorized provided they satisfy the conditions of subsection b, below:
 - i. fire-hydrant flushing;
 - ii. potable water sources, including potable water related to the operation, maintenance, or testing of potable water systems;
 - iii. drinking fountain water; atmospheric condensate, including refrigeration, air conditioning, and compressor condensate;
 - iv. irrigation drainage and landscape watering;
 - v. natural springs, ground water, and foundation and footing drainage; and
 - vi. Seawater infiltration where the seawater is discharged back into the sea water source.
- b. The non-storm water discharges identified in subsection a. are authorized by this Order if all the following conditions are satisfied:
 - i. The non-storm water discharges comply this Order.
 - ii. The non-storm water discharges comply with local agency ordinances and requirements.
 - iii. BMP are specifically included in the SWPPP to: (1) prevent or reduce the contact of non-storm water discharges with significant materials or equipment, and (2) minimize, to the extent practicable, the flow or volume of non-storm water discharges.

- iv. The non-storm water discharges do not contain significant quantities of pollutants.
 - v. The monitoring program includes quarterly visual observations of non-storm water discharges and sources to ensure adequate BMP implementation and effectiveness.
 - vi. The non-storm water discharges are reported and described in the annual report.
-
- c. This Regional Board or local storm water management agency may establish additional monitoring and reporting requirements for any non-storm water discharge authorized by this Order.
 - d. Discharges from fire fighting activities are authorized by this Order and are not subject to the conditions of subsection 11.b.

DEFINITIONS

1. *Best Management Practices* (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. The BMP also include treatment measures, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The BMP may include any type of pollution prevention and pollution control measure necessary to achieve compliance with this Order.
2. *Clean Water Act* (CWA) means the Federal Water Pollution Control Act enacted by Public Law 92-500 as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; 33 USC. 1251 et seq.
3. *Facility* is a collection of industrial processes discharging storm water associated with industrial activity within the property boundary or operational unit.
4. *Non-Storm Water Discharge* means any discharge to storm sewer systems that is not composed entirely of storm water.
5. *Significant Materials* includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.
6. *Significant Quantities* is the volume, concentrations, or mass of a pollutant that can cause or threaten to cause pollution, contamination, or nuisance; adversely impact human health or the environment; and/or cause or contribute to a violation of any applicable water quality standards for the receiving water.
7. *Significant Spills* includes, but is not limited to: releases of oil or hazardous substances in excess of

reportable quantities under Section 311 of the CWA (see 40 CFR 110.10 and 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).

8. *Storm water* means storm water runoff, snowmelt runoff, and storm water surface runoff and drainage. It excludes infiltration and runoff from agricultural land.
9. *Storm water discharge associated with industrial activity* means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. For the facilities identified in the Fact Sheet of this Order, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters; sites used for residual treatment, storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are federally, State, or municipally owned or operated that meet the description of the facilities referenced in this paragraph) include those facilities designated under 40 CFR 122.26(a)(1)(v).

ACRONYM LIST

BAT	Best Available Technology Economically Achievable
BCT	Best Conventional Pollutant Control Technology
BMP	Best Management Practices
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Federal Superfund)
CFR	Code of Federal Regulations
CWA	Clean Water Act
Order	General Industrial Activities Storm Water Permit
GMP	Group Monitoring Plan
NEC	No Exposure Certification
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
O&G	Oil and Grease
RCRA	Resource, Conservation, and Recovery Act
Regional Board	Regional Water Quality Control Board
RQ	Reportable Quantity
SARA	Superfund Amendments and Reauthorization Act of 1986
SIC	Standard Industrial Classification
SMCRA	Surface Mining Control and Reclamation Act
SPCC	Spill Prevention Control and Countermeasures
State Board	State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
TOC	Total Organic Carbon
TSS	Total Suspended Solids
U.S. EPA	U.S. Environmental Protection Agency
WDID	Waste Discharger Identification
WDR	Waste Discharge Requirement

ITEM A-1

STORM WATER POLLUTION PREVENTION PLAN CHECKLIST

FACILITY NAME _____

WDID# _____

FACILITY CONTACT

Name _____
 Title _____
 Company _____
 Street Address _____
 City, State _____
 Zip _____

CONSULTANT CONTACT

Name _____
 Title _____
 Company _____
 Street Address _____
 City, State _____
 Zip _____

STORM WATER POLLUTION PREVENTION PLAN	Not Applicable	SWPPP Page # or Reference Location	Date Implemented or Last Revised
Signed Certification (F. 11, Reporting Requirements)			
Pollution Prevention Team (A.3.b)			
Existing Facility Plans (A.3.c)			
Facility Site Map(s)			
Facility boundaries (A.4.a)			
Drainage areas (A.4.a)			
Direction of flow (A.4.a)			
On-site water bodies (A.4.a)			
Areas of soil erosion (A.4.a)			
Nearby water bodies (A.4.a)			
Municipal storm drain inlets (A.4.a)			
Points of discharge (A.4.b)			
Structural control measures (A.4.b)			
Impervious areas (A.4.c) (paved areas, buildings, covered areas, roofed areas)			
Location of directly exposed materials (A.4.d)			
Locations of significant spills and leaks (A.4.d)			
Storage areas / Storage tanks (A.4.e)			
Shipping and receiving areas (A.4.e)			
Fueling areas (A.4.e)			
Vehicle and equipment storage and maintenance (A.4.e)			
Material handling / Material processing (A.4.e)			
Waste treatment / Waste disposal (A.4.e)			
Dust generation / Particulate generation (A.4.e)			
Cleaning areas / Rinsing areas (A.4.e)			
Other areas of industrial activities (A.4.e)			
For the SUBASE, high risk area (A.4.f)			

List of Significant Materials (A.5)

For each material listed:			
Storage location			
Receiving and shipping location			
Handling location			
Quantity			
Frequency			

Description of Potential Pollution Sources (A.6)

Industrial processes	(A.6.a.i)			
Material handling and storage areas	(A.6.a.ii)			
Dust and particulate generating activities	(A.6.a.iii)			
Significant spills and leaks	(A.6.a.iv)			
Non-storm water discharges	(A.6.a.v)			
Soil erosion	(A.6.a.vi)			

Assessment of Potential Pollutant Sources (A.7)

Areas likely to be sources of pollutants	(A.7.a)			
Pollutants likely to be present	(A.7.b)			

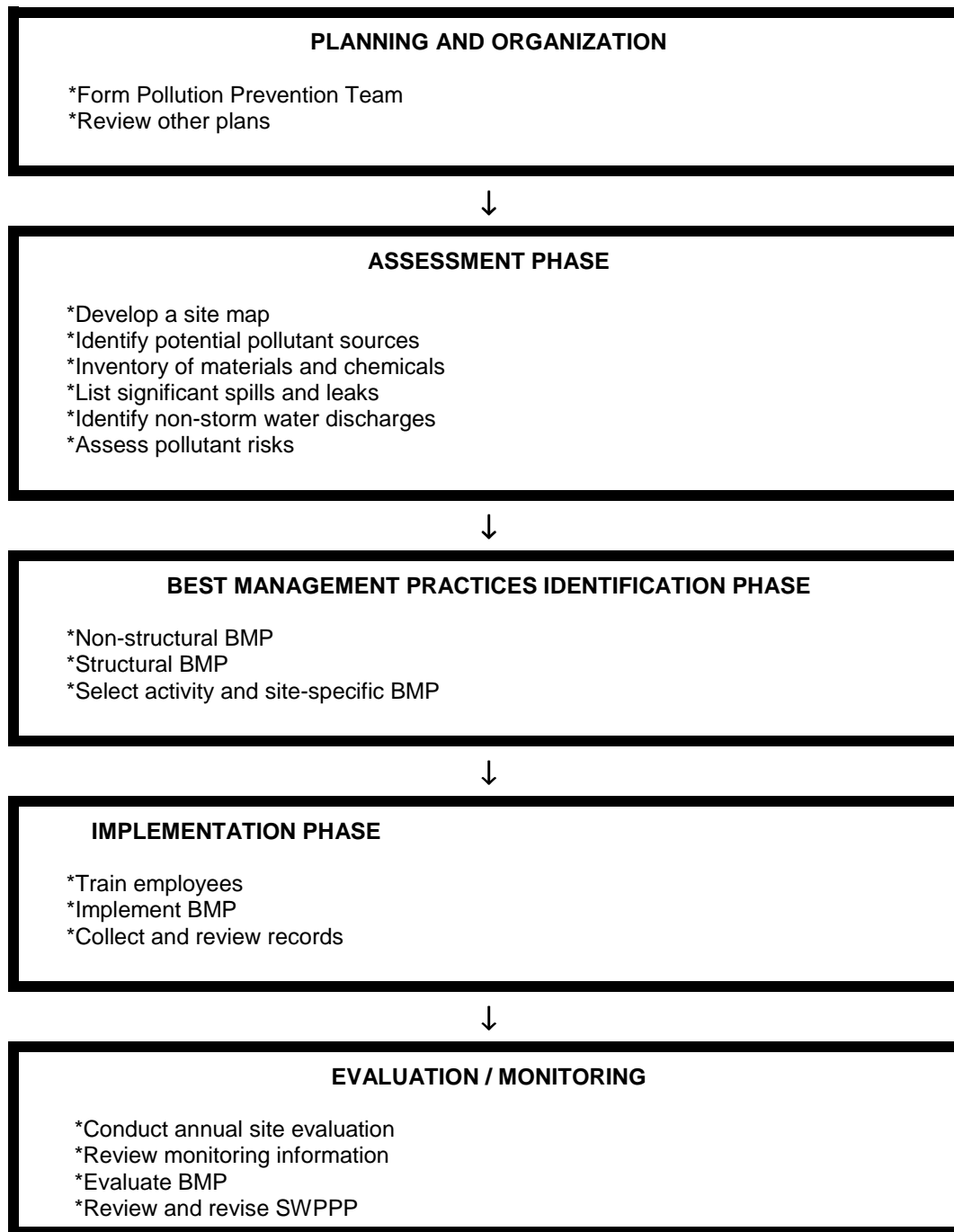
Storm Water Best Management Practices (A.8)

Non-structural BMP	(A.8.b)			
Good housekeeping	(A.8.b.i)			
Preventative maintenance	(A.8.b.ii)			
Spill response	(A.8.b.iii)			
Material handling and storage	(A.8.b.iv)			
Employee training	(A.8.b.v)			
Waste handling / Waste recycling	(A.8.b.vi)			
Recordkeeping and internal reporting	(A.8.b.vii)			
Erosion control and site stabilization	(A.8.b.viii)			
Inspections	(A.8.b.ix)			
Quality assurance	(A.8.b.x)			
Structural BMP	(A.8.c)			
Overhead coverage	(A.8.c.i)			
Retention ponds	(A.8.c.ii)			
Control devices	(A.8.c.iii)			
Secondary containment structures	(A.8.c.iv)			
Treatment	(A.8.c.v)			
Industrial Activity BMP/ Pollutant Summary	(A.8.d)			

Annual Comprehensive Site Compliance Evaluation (A.9)

Review of visual observations, inspections, and sampling analysis	(A.9.a)			
Visual inspection of potential pollution sources	(A.9.b)			
Review and evaluation of BMP	(A.9.c)			
Evaluation report	(A.9.d)			

ITEM A-2
FIVE PHASES FOR DEVELOPING AND IMPLEMENTING INDUSTRIAL
STORM WATER POLLUTION PREVENTION PLANS



ITEM A-3**EXAMPLE****ASSESSMENT OF POTENTIAL POLLUTION SOURCES AND
CORRESPONDING BEST MANAGEMENT PRACTICES SUMMARY**

Area	Activity	Pollutant Source	Pollutant	Best Management Practices
Vehicle & Equipment Fueling	Fueling	Spills and leaks during delivery	fuel oil	<ul style="list-style-type: none"> - Use spill and over containment - Minimize run-on of the fueling area - Cover fueling area - Use dry cleanup methods, hosing down area - Implement proper spill control program - Implement adequate maintenance program, tank and line leak - Inspect fueling area to detect problems before - Train employees on cleanup, and spill response techniques.
		Spills caused by topping off fuel tanks	fuel oil	
		Hosing or washing down fuel area	fuel oil	
		Leaking storage tanks	fuel oil	
		Rainfall running off fueling area, and rainfall running onto and off fueling area	fuel oil	

ATTACHMENT E

ORDER NO. R9-2002-0002

STANDARD PROVISIONS

1. The following sections of 40 CFR are incorporated into this permit by reference:
 - a. 122.5 *Effect of a permit*
 - b. 122.21 *Application for a permit*
 - c. 122.22 *Signatories to permit applications and reports*
 - d. 122.41 *Conditions applicable to all permits*
 - e. 122.61 *Transfer of permits*
 - f. 122.62 *Modification or revocation of permits*
 - g. 122.63 *Minor modifications of permits*
 - h. 122.64 *Termination of permits*
2. *Review and revision of permit:* Upon application by any affected person, or on its own motion, the Regional Board may review and revise this permit. [CWC §13263(e)]
3. *Termination or modification of permit:* This permit may be terminated or modified for causes, including, but not limited to, all of the following:
 - (a) Violation of any condition contained in this permit.
 - (b) Obtaining this permit by misrepresentation, or failure to disclose fully all relevant facts.
 - (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. [CWC §13381]
4. *Material change:* Not less than 180 days prior to any material change in the character, location, volume, or amount of waste discharge, the discharger shall submit a technical report describing such changes. Such changes include but are not limited to the following:
 - (a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.
 - (b) Significant change in disposal method, e.g., change from land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
 - (c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.
 - (d) Increase in flow beyond that specified in the waste discharge requirements.
 - (e) Increase in area or depth to be used for solid waste disposal beyond that specified

- in the waste discharge requirements. [CWC 13372, 13376, 13264, 23 CCR 2210]
- (f) Any substantial change in the amount or characteristics of pollutants used, handled, stored, or generated.
 - (g) Any new discharge of pollutants or new potential pollutant source.
 - (h) Other circumstances which could result in a material change in the character, amount, or location of discharges. [CWC 13372, 13264, 23 CCR 2210]
5. *Transfers*: When this permit is transferred to a new owner or operator, such requirements as may be necessary under the California Water Code may be incorporated into this permit.
6. *Conditions not stayed*: The filing of a request by the Discharger for modification, revocation and reissuance, or termination of this Order, or a notification of planned change in or anticipated noncompliance with this Order does not stay any condition of this Order.
7. *Monitoring and Reporting Program*: The Discharger shall conduct monitoring and submit reports in accordance with *Monitoring and Reporting Program (MRP) No. R9-2002-0002*. Monitoring results shall be reported at the intervals specified in *MRP No. R9-2002-0002*. [CWC 13267 & 13383, 23 CCR 2230, 40 CFR 122.43(a), 122.44(l)(4), 122.48]
8. *Availability*: A copy of this Order shall be kept at a readily accessible location at the facility and shall be available to on-site personnel at all times.
9. *Duty to minimize or correct adverse impacts*: The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
10. *Responsibilities, liabilities, legal action, penalties*: The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the Clean Water Act (CWA). [CWC §13385, 13387]

Nothing in this Order shall be construed to protect the discharger from its liabilities under federal, state, or local laws. Except as provided for in 40 CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the discharger from civil or criminal penalties for noncompliance.

Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

Nothing in this Order shall be construed to preclude institution of any legal action or

relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authoring preserved by Section 510 of the CWA

11. *Noncompliance*: Any noncompliance with this permit constitutes violation of the California Water Code and is grounds for denial of an application for permit modification. [40 CFR 122.41 (a)]
12. *Discharge is a privilege*: No discharge of waste into waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights. [CWC §13263(g)]
13. *Permittee*: For the purposes of this permit, the term "permittee" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "discharger" used elsewhere in this permit.
14. *Director*: For the purposes of this permit, the term "Director" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "Regional Board" used elsewhere in this permit, except that in 40 CFR 122.41(h) & (i), "Director" shall mean "Regional Board, SWRCB, and USEPA."
15. *Effective date*: This Order shall become effective ten days after the date of its adoption provided the USEPA Regional Administrator has no objection. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.
16. *Expiration*: This Order expires October 10, 2006. [40 CFR 122.43, 122.44(h), 122.46]
17. *Continuation of expired permit*: After this permit expires, the terms and conditions of this permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on the continuation of expired permits are complied with. [40 CFR 122.6, 23 CCR 2235.4]
18. *Applications*: Any application submitted by the discharger for reissuance or modification of this permit shall satisfy all applicable requirements specified in federal regulations as well as any additional requirements for submittal of a Report of Waste Discharge specified in the California Water Code and the California Code of Regulations.
19. *Confidentiality*: Except as provided for in 40 CFR 122.7, no information or documents submitted in accordance with or in application for this permit will be considered confidential, and all such information and documents shall be available for review by the public at the office of the Regional Board.
20. *Severability*: The provisions of this order are severable, and if any provision of this Order, or the application of any provisions of this Order to any circumstance, is held invalid, the

application of such provision to other circumstances and the remainder of this order shall not be affected thereby.

21. *Discharge Monitoring Quality Assurance (DMQA) Program:* Then Discharger shall conduct appropriate analyses on any sample provided by EPA as part of the DMQA program. The results of such analyses shall be submitted to EPA's DMQA manager. [SWRCB/USEPA 106 MOA]
22. *Pollution, Contamination, Nuisance:* The handling, transport, treatment, or disposal of waste or the discharge of waste to waters of the state in a manner which causes or threatens to cause a condition of pollution, contamination, or nuisance, as those terms are defined in CWC 13050, is prohibited.
23. *Additional Reporting Requirements:* [40 CFR 122.42(a)] In addition to the reporting requirements under 40 CFR 122.41 (l), all existing manufacturing, commercial, mining, and silvicultural discharges must notify the Regional Board as soon as they know or have reason to believe:
 - (1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, of that discharge will exceed the highest of the following "notification levels:"
 - (a) One hundred micrograms per liter (100 µg/l);
 - (b) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (c) The level established by the Regional Board in accordance with 40 CFR 122.44(f).
 - (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (a) Five hundred micrograms per liter (500 µg/l)
 - (b) One milligram per liter (1 mg/l) for antimony;
 - (c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - (d) The level established by the Regional Board in accordance with 40 CFR 122.44(f).
24. *Report Submittal:* The discharger shall submit reports and provide notifications as required by this Order in accordance with the following:

- a. Reports required to be submitted to this Regional Board shall be sent to:

Industrial Compliance Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court
San Diego, California 92123-4340

Notifications required to be provided to this Regional Board shall be made to:

Telephone - (858) 467-2952 or
Facsimile - (858) 571-6972

- b. Reports required to be submitted to the USEPA shall be sent to:

U.S. Environmental Protection Agency
Region IX
WTR-7 (DMR)
75 Hawthorne Street
San Francisco, California 94105